

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Monica Michel,

Civil No. 10-932 (DWF/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Michael J. Astrue,
Commissioner of Social Security,

Defendant.

Gerald S. Weinrich, Esq., Weinrich Law Office, counsel for Plaintiff.

Lonnie F. Bryan, Assistant United States Attorney, United States Attorney's Office,
counsel for Defendant.

This matter is before the Court upon Defendant Michael J. Astrue, Commissioner of Social Security's ("Defendant") objections to Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated January 6, 2011, insofar as it recommends that: (1) Plaintiff's motion for summary judgment be granted; (2) Defendant's motion for summary judgment be denied; (3) this case be remanded pursuant to sentence four of 42 U.S.C. § 405(g), for a calculation and award of benefits; and (4) judgment be entered. Plaintiff Monica Michel filed a response to the Report and Recommendation on January 18, 2011. (Doc. No. 15.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local

Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Defendant's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Michael Astrue, Commissioner of Social Security's objections (Doc. No. [16]) to Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated January 6, 2011, are **DENIED**.

2. Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated January 6, 2011 (Doc. No. [14]), is **ADOPTED**.

3. Plaintiff's Motion for Summary Judgment (Doc. No. [7]), is **GRANTED**;

4. Defendant's Motion for Summary Judgment (Doc. No. [9]), is **DENIED**;
and

5. This case is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g), for a calculation and award of benefits.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 1, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge